

TOP SECRET

SENSITIVE

13 November 1969

MEMORANDUM FOR THE RECORD

Morning Meeting of 13 November 1969

DD/I noted that the Defense Program Review Committee is scheduled to meet this afternoon and that the Director will attend.



Godfrey briefly commented upon the bombings in New York City and called attention to radio reports that a bomb exploded behind the Madison Hotel early this morning.

ADD/S highlighted a recently received CSC issuance providing guidance for Government employees in connection with the current anti-Vietnam war protests. He went on to outline guidance which will be provided to our employees via staff meetings and some published notice. He raised the issue which could be created in the event employees wear buttons in support of the protest and commented that supervisors should ask the employee to take off the button or go on leave. The Director concurred in the thrust of the guidance as outlined, making it clear that it will in effect be parallel to the CSC issuance. ADD/S noted that the Office of Security Command Center will be activated, and in response to Godfrey's question, he related that courier runs on Saturday will be asked to check with the Command Center prior to making the run.

Carver reported that activity in the I Corps area is brisk and noted several indications that some sharp increases may be under way to coincide with the antiwar activities here.

Carver noted completion of a paper on the state of Viet Cong morale, done in response to a request from Ambassador Berger during his recent visit here.

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Carver commented that [] is attempting to convene a meeting of the Vietnam Working Group at the White House on Saturday morning.

The Director called attention to the "Pinkville" case as reported in today's Washington Post, "U. S. Officer Is Accused of Mass Viet 'Murders. '"

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General Robert Taylor for Bross noted that the Kissinger letter on Information Handling is here minus attachments. The Director noted that he has seen the letter and observed that General Taylor can now supply a strong riposte.

DD/S&T briefly discussed a misunderstanding over the request of a Bureau of the Budget examiner to attend today's briefing of the Fubini Panel by OSP on []

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DDCI briefed on the most recent meeting of NIRB and described the work under way in support of Country Studies. In this connection, he commented that TOD has been changed to Consolidated Intelligence Resources Information System (CIRIS) and that Admiral Gayler and Dr. Tordella will be coming over here next week in connection with NIRB business.

DDCI reported that war game EPSILON II commences today.

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The Director noted that Tom Lambert's article on the Green Beret case is now out (Los Angeles Times of 9 November 1969).



L. K. White

*Extracted and sent to action officer

TOP SECRET

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U.S. Officer Is Accused Of Mass Viet 'Murders'

By Peter Braestrup
Washington Post Staff Writer

The Army is investigating charges against an infantry first lieutenant of "multiple murder of South Vietnamese civilians," a military spokesman at Ft. Benning, Ga., said yesterday.

The statement followed a report by Seymour M. Hersh, writer for Dispatch News Service, a small news agency, that the lieutenant, William L. Calley Jr., had been accused of the "premeditated murder" of 109 South Vietnamese villagers during combat on March 16, 1968. Other sources said 91 villagers were murdered.

Queried on his report, Hersh later said that his understanding was that Calley, as a platoon leader, was being held responsible for actions taken by his entire unit.

The murders, Hersh reported, occurred during a push by Calley's company—part of the Americal Division—into a longtime Vietcong coastal stronghold known to GI's as "Pinkville," six miles outside Quangnai City in northern South Vietnam.

As quoted by Hersh, one of Calley's comrades said later:

"We were told just to clear the area. It was a typical combat assault formation. We came in hot, with a cover of artillery in front of us, came down the line and destroyed the village. There are always some civilian casualties in a combat operation."

Army spokesmen at Ft. Benning, where Calley is now stationed, and at the Pentagon declined to discuss the case's details.

Yesterday afternoon, the Pentagon issued a brief statement saying, in part, that the investigators' findings "are being reviewed by appropriate officials at Ft. Benning, pending determination (by the base's commanding officer, Maj. Gen. Orwin C. Talbott) of whether the matter will be referred to trial by court-martial."

Prior to any decision to convene a court-martial, the statement said, "It would be inappropriate for the Army to release details of any possible charges and specifications. To do so might prejudice the rights of the accused and of the Army."

Military sources here said no decision by Gen. Talbott was expected before Dec. 1.

In the meantime, said Army spokesmen here, Calley has been assigned as special deputy assistant to the deputy post commander at Ft. Benning, with no restrictions on his movements. However, these sources said, his release from active duty, scheduled for last Sept. 7, has been delayed pending outcome of the investigation.

Last week, George Latimer, Calley's civilian attorney and former member of the Court of Military Appeals, said:

"I'm hoping maybe we can come up with some kind of resolution that won't make it necessary for this to be made public. I can't see it would do any good to anybody."

How many victims were involved in the March 16, 1968 affair? "It all depends on how you're going to receive the evidence, how reliable it is," said Latimer. "There have been various estimates made. I doubt very much whether the final figure will reach some of the figures now being bandied about."

Discussing apparent discrepancies in his story for Dispatch, Hersh said: "I tried to be as thorough as possible. But there are a lot of gray areas."

According to Hersh's account, Calley's platoon (of C Company, 1st Battalion, 20th Infantry Regiment, 11th Brigade) had suffered casualties in two operations in the "Pinkville" area before the alleged massacre occurred during a third, successful sweep.

"The Army claimed 128 Vietcong dead," Dispatch reported, "Many civilians were also killed in the operation."

The area was a free-fire zone in which all non-Vietcong residents had been urged, by leaflet, to flee."

As quoted by Dispatch, Latimer said: "This is one case that should never have been brought. Whatever killing there was, was in a firefight in connection with an operation."

"You can't afford to guess whether a civilian is a Vietcong or not. Either they shoot you or you shoot them," Latimer said.

No source provided details of the circumstances of the alleged murders—the name of the village, Calley's exact role, or that of his accomplices, if any.

According to military records here, William Laws Calley was born in Miami, attended Palm Beach Junior College for one year, and enlisted in the Army in mid-1966. After going through officers' training school, he was commissioned a second lieutenant in September 1967, and joined C Company in Vietnam that same month.

Calley served in Vietnam until last June, earning a Bronze Star Medal.

Army officials said investigation of the "Pinkville" affair began last March, a year after the alleged slaying. These sources said a letter to the Pentagon from an ex-GI and Vietnam veteran, not a member of Calley's unit, prompted the probe.

During the Army investigation, Pentagon sources said, Capt. Medina, and Calley's platoon sergeant, Manuel Lopez and others were interrogated.

Pentagon sources predicted that a half dozen of Calley's comrades will be implicated if the lieutenant's case goes to a court-martial.

After six months of work, the Army Provost Marshal's investigators, following the complicated Uniform Code of Military Justice, presented their preliminary findings to Lt. Col. Frank L. Garrison, Calley's superior and commanding officer of the Student Brigade at Ft. Benning. He found the findings worthy of continued investigation.

On Sept. 5 under Article 32

of the Code, a hearing was held—a military equivalent of a grand jury proceeding. Present were Calley, Latimer, Calley's military counsel, and the Army's prosecutor, as well as the investigating officer, Lt. Col. Dwayne G. Cameron. Calley was told of the specific accusations against him and reminded of his rights under the Code.

On Sept. 6, a Ft. Benning spokesman announced briefly that Calley was accused of murdering Vietnamese civilians, but gave no number of the dead.

The file is now in Col. Garrison's hands for review, it goes next to Talcott. Military sources emphasized yesterday that if Gen. Talcott, Ft. Benning's commander, decides to convene a general court-martial, the current charges and specifications may change considerably. The investigation continues until the general makes his decision.

An anonymous officer, quoted by Hersh, reacted this way to the case:

"It could happen to any of us. He's killed and seen a lot of killing. Killing becomes nothing in Vietnam. He knew there were civilians there, but he also knew that there were VC (Vietcong) among them."

FEARFUL GI OPENED GREEN BERET CASE

Sgt. Alvin Smith, a career military man, believed his own Green Beret officers were rehearsing his own murder—just as they had rehearsed the murder of a suspected South Vietnamese double agent. The frightened sergeant went to the CIA and asked for "asylum."

Thus began the unraveling of one of the most macabre episodes of the Vietnam war—the Green Beret case that attained global notoriety. The files are still top-secret but Tom Lambert of The Times Washington Bureau has spent weeks interviewing those who know the story.

FEARED HE WOULD BE NEXT

Inside Look at Green Beret Case: Soldier Told CIA of Dead Agent

BY TOM LAMBERT
Times Staff Writer

WASHINGTON—On the morning of last June 30, Army Sgt. 1st Class Alvin L. Smith Jr. of Naples, Fla., walked out of his office in the mysterious B-57 army intelligence detachment at the headquarters of the 5th Special Forces (Green Beret) group on the outskirts of Nha Trang in South Vietnam.

Climbing into a jeep, Sgt. Smith, a slender, ruddy-faced man of medium height with dark, graying hair, drove to the office of a Central Intelligence Agency representative several miles away in the downtown section of the same city on the South China Sea.

Smith, 41, a Green Beret with 15 years military service who had been in the Navy and Air Force as well as the Army and had completed tours in Korea, Japan, Germany and Thailand before joining the B-57 detachment in Vietnam, was distraught.

In a rush of words, Smith asked the CIA agent for "asylum."

"What do you mean, asylum?" the astonished agent inquired.

Tells Story

Whereupon, according to informed sources, the sergeant told the following story:

The night before (June 29) some of his officers in the B-57 group had obtained a boat, taken it out to sea briefly, then returned to Nha Trang. And, coincidentally, a Swedish-made "K" submachine gun had disappeared from the B-57 armory.

(The "K" is a compact efficient weapon that has been used from time to time at least since 1962 by some American and American-directed intelligence and guerrilla units in South Vietnam.)

Those nocturnal events, Smith went on, recalled the actions the night of June 19 by some of the B-57 officers who, the following night and over his protests, had shot a South Vietnamese named Thai Khac Chuyen, weighted his body with a padlocked chain and consigned it to the sea.

Smith told the CIA agent, whose identity cannot be disclosed, that the officers had concocted an intricate cover story to explain Chuyen's disappearance. But, he continued, he did not think he

could "stand up" any longer with that story.

He was afraid, Smith said, that his B-57 officers had noticed his unease and suspected he might talk about the Chuyen affair.

He was afraid further that the boat expedition and "K" disappearance constituted a rehearsal similar to that staged the night before Chuyen's killing—but this time for his murder.

In short, Smith said, he was seeking "asylum" because he feared his own officers might kill him.

Abrams Told

The CIA agent, who earlier had indications that something was amiss among the B-57 officers, immediately contacted his Saigon superiors. They notified Gen. Creighton W. Abrams Jr., the American commander in Vietnam, of Smith's disclosures.

Abrams instructed the CIA to hold Smith overnight at Nha Trang, saying he would send two Army Criminal Investigation Division representatives the next day to pick him up. They took Smith to Saigon July 1, where he repeated his story to them. He relayed his story to Gen. Abrams.

Thus emerged, initially but still in secrecy, the outlines of the perplexing, ill-famed and still-shadowy "Green Beret" case.

Within weeks, formal murder charges were filed (and later dismissed) against six of the officers.

After global notoriety and acute embarrassment to the United States, the case finally was settled by President Nixon.

The decision to forego prosecution of the officers meant sealing off, perhaps forever, the full answers to the countless questions troubling so many about this macabre affair.

Nobody has come out of the case well—the Army, the CIA, the Green Berets, Gen. Abrams, the White House. The case has featured many deceptions, unsavory innuendoes, official turnabouts, retreats behind secrecy.

And it has raised gnawing moral and philosophical as well as military disciplinary questions:

Are soldiers not in battlefield combat but engaged in the often-deadly war of spying and counter-spionage empowered to make the judgment of life or death—without benefit of trial and due process—

for men believed traitors? Who has such authority? From whom does it flow?

Dismiss Fears

Although defenders of the B-57 officers dismiss as preposterous and as a "complete hallucination" the murder fears voiced by Sgt. Smith—an adult, seasoned (four years in Southeast Asia) intelligence specialist—what prompted those fears?

Regardless of the validity of Smith's suspicions of a plot on his life, what kind of wartime spy operations, what kind of relationships between uniformed comrades-in-arms could cause such fright in a man whose conduct had been accepted as rational and whose story of Chuyen's murder appeared to check out?

Try to Conceal It

The case was forced into the open by civilians—attorneys, reporters, congressmen—despite persisting, mulish official efforts to conceal or muffle it. It raises questions how many other comparable cases may have occurred and been hidden.

Almost certainly this case is not the first of its kind in Vietnam or in history. The still-classified records of World War II, Korea and Vietnam undoubtedly contain comparable cases. Like them or not, they are an inevitable fact of war with its occasional but equally inevitable abridgements of morality, due process and justice.

Even to anyone steeped in James Bond or Eric Ambler, cases such as the Green Beret affair would be bizarre. They involve the dissemblings and convolutions of espionage, the psychology of spies and their masters, the unique morality of intelligence and the sometimes-mercilessness of its code.

Besides war, there is another unusual ingredient in the Green Beret case—the Orient. The war factor contributes to the case the fears and rages, the bonds and brotherhoods and the conflicts and killings war generates. The Orient contributes the factor of a

that in the West in its morals and attitudes—and the Western inexperience with it.

Some Considerations

It is best perhaps in trying to reconstruct the Green Beret case to begin with the B-57 detachment, and to keep in mind several considerations:

All who possess knowledge of the case—either through direct involvement, investigation or study of the official record—cannot or will not speak publicly about all its details. Every one of those details bears a "secret" or tighter security classification.

Many of the details already leaked come from sources with a prejudiced interest trying to emphasize some particular aspect or aspects of the affair.

The following reconstruction of the case, believed to be the fullest yet made public, is not complete and may contain some error in detail.

3,000 Berets

The B-57 detachment, an adjunct of the military intelligence office of Gen. Abrams' South Vietnamese command, was stationed at the headquarters of the 5th Special Forces Group of some 3,000 Green Berets on duty in Vietnam.

All B-57 men are not Green Berets. Of the seven officers and one enlisted man involved in the case, only two—Col. Robert Rheault, the 5th Group commander, and Sgt. Smith—were trained, bona fide Green Berets. The rest were intelligence specialists.

The Pentagon will not disclose the specific tasks of the B-57 detachment. (The unit's laconic name seems to be arbitrary and to have no particular significance. Ranking Pentagon officials say they had no idea how or where the B-57 label originated). The B-57 detachment is understood to be part of a unit called the Special Operations Group, which plans and directs especially sensitive intelligence and espionage missions.

Those include clandestine, intelligence-gathering and other journeys by Americans and American-directed Asians (North and South Vietnamese, Cambodians, Laotians, Southeast Asian tribesmen including ethnic Chinese Nungs) into Cambodia, Laos, North Vietnam and Communist areas in South Vietnam.

Many if not most of the Special Operations Group-B-57 missions focus on the collection of tactical combat intelligence about enemy positions, troop movements, infiltration rates and routes and enemy attack plans.

And such missions supply a link between the B-57 detachment and the Green Berets.

For one of the Green Berets' tasks, in addition to their guerrilla, unconventional warfare and counterinsurgency assignments, all intricately linked with intelligence, is to mount "operations conducted for military, political or economic purposes within areas controlled by the enemy." Such operations could be B-57 group-planned and Green Beret-executed.

Other Groups

(The Green Berets are not the only Americans performing or directing such missions. Others include the CIA-founded (in 1964) Provincial Reconnaissance Units, highly trained and well-led counterterror squads of Asian mercenaries; the Navy's Sea-Air-Land commandos and some Marine-trained Vietnamese.)

Such missions also link the Green Berets and the B-57 group with the CIA.

Under terms of a still-secret National Security Council directive labeled "3/5" dating back perhaps 10 years or more, the CIA is empowered to coordinate all American intelligence operations except in combat theaters.

Thus, the CIA does not have primacy in intelligence operations in South Vietnam or Laos but it presumably does in Cambodia and North Vietnam—in which B-57 Green Beret operations were staged.

Therefore, there is a community of interest among the B-57 group, the Green Berets and the CIA, but possibly an uncertainty about whose authority pertains on some missions.

Kept Informed

At Nha Trang, the B-57 detachment, Green Berets and CIA cooperated in their intelligence operations in the sense of keeping each other informed about them. But they were not necessarily coordinated by the CIA. The agency did not manage all details of the B-57 Green Beret military espionage missions.

Last spring the B-57 detachment was staging some intelligence-gathering operations along and across the Cambodian border in the area of the "Parrot's Beak," a hook-shaped chunk of Cambodia that juts into South Vietnam. North Vietnamese and Viet Cong units are active on both sides of the border in that region.

From Camps

A number of the B-57 planned missions were launched from Green Beret camps on the South Vietnamese side of the "Parrot's Beak," and one of the participants in some of those operations—his precise role still a mystery—was Thac Khai Chuyen. Chuyen, 31, whose wife and two children lived in Saigon, had been hired by the Green Berets in December, 1965. Born in North Vietnam, he told his family he translated secret documents for the Green Berets.

He also was a Green Beret interpreter, a critical job because neither of the men between whom an interpreter is the link can be certain what he is saying to the other. And Chuyen, who had worked with the Green Berets in the A Shau Valley and Mekong Delta, reportedly had taken part in some Green Beret intelligence forays into Cambodia and Laos.

Chuyen has been described in some Saigon newspapers as merely a Green Beret camp janitor but his salary belies that. He was paid the equivalent of \$100 monthly, a

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sizable sum in South Vietnam. He was more than a janitor.

Sometime in the late spring some of the B-57 Green Beret missions in the "Parrot's Beak" area began failing. Agents vanished. Other, once-helpful agents quit. Enemy sources began "drying up," refusing help and information. According to one unconfirmed report, at least two five-man Green Beret spy groups were wiped out by enemy fire within 15 minutes after landing by helicopter in Communist areas. It could not be determined if any Americans were killed or lost in these incidents.

The B-57 officers at Nha Trang became worried, then anxious and fearful. It was possible the misadventures were coincidental or the result of bad luck. It also was possible they were the results of treachery, that someone familiar with the operations was tipping off the enemy. If so, he had to be found and removed to insure that future operations were not betrayed and more men lost.

Sometime in May or early June a presumably B-57-planned, Green Beret-launched band of spies raided a Communist camp in Cambodia, scooped up all the documents and files handy and retreated back into South Vietnam.

Among the booty was a photograph, which was circulated among Green Beret and other intelligence officers and units, including the B-57 detachment.

The photograph showed a known North Vietnamese intelligence agent talking with a group of men.

In Group

Sgt. Smith, scanning the photograph, was brought up short. He suspected one of the men in the group was Thai Khac Chuyen. The B-57 officers studied the photograph and came to the same conclusion.

Chuyen, they decided, might be a double agent—and the cause of their intelligence mission failures.

Chuyen then at a Green Beret camp at Moc Hoa, a few miles inside South Vietnam from the Cambodian border, was ordered to report promptly to Camp Goodman, a Green Beret post near Saigon. He arrived there June 11.

The next day Chuyen went to his Saigon home, accompanied by some Green Beret and South Vietnamese officers who searched his house before they left. Chuyen told his wife he had been interrogated in an "electric chair" at Camp Goodman, undoubtedly a reference to a lie detector. He also told his wife he was departing shortly on a special mission.

The same day, June 12, a B-57 officer approached the CIA agent at Nha Trang and told him the B-57 group had discovered a double agent within its ranks. He did not name the double agent. The officer asked the agent if the CIA would give the double agent "safe haven," possibly outside South Vietnam. The CIA man said he had no authority to grant the request but would refer it to his superiors in Saigon.

On June 13 Chuyen went from his Saigon home to Camp Goodman. That day or shortly thereafter he was flown to Nha Trang.

Within the next four or five days one or more of the B-57 officers at least twice contacted again the CIA agent at Nha Trang. At one meeting a B-57 officer named Chuyen as the suspected double agent and gave the CIA man Chuyen's biographic file.

The CIA agent said he would relay Chuyen's name and data to CIA headquarters in Saigon, ask for a check there on him and inquire if the CIA might employ him in some way—perhaps as an agent who could be redoubled back against the Communists.

Fails Lie Test

On June 16 a B-57 officer told the CIA agent at Nha Trang that Chuyen had failed a lie detector test administered to establish

his loyalty and that the same sources said 57 group was considering the results of his truth "eliminating" him.

But at a subsequent meeting a B-57 officer told the CIA man at Nha Trang (the B-57 officers) that a cover story—that the double agent episode had been cleared up and the man in question sent on a secret "high risk" mission to North Vietnam.

Suspicious about the entire affair, and particularly about the cover story, the CIA agent reported this exchange to his Saigon superiors.

Liaison Man

Also within this period one of the B-57 officers contacted in Saigon an officer identified by sources close to the case as Lt. Col. Clement Enking. The latter, whose name does not appear in the Army, Air Force or Marine Corps' active duty officers' registers, is a CIA liaison man with Gen. Abrams' command.

The Army refuses to identify Enking or disclose his assignment, saying his work is "classified." An Army spokesman told The Times in Saigon that Enking "travels quite a bit around the country" in Vietnam.

According to sources with some knowledge of the B-57 officer's meeting with Enking, the former asked him what to do with Chuyen.

By now the B-57 group reportedly was convinced that Chuyen was a double agent and that he must be removed from the B-57 apparatus — and from South Vietnam, if possible — to avoid disclosures of its operations and personnel.

Truth Serum

The group reportedly based its conviction that Chuyen was a double agent on his performances during a lie detector test and under injections of sodium pentathol, or truth serum.

According to sources close to the B-57 officers, Chuyen's lie detector test indicated he was lying when he denied working for the Communists or divulging details of Green Beret spy missions.

The same sources said serum test indicated Chuyen's statements "left enough to convince them (the B-57 officers) that they were on the right track" in suspecting he was a traitor.

It must be interjected here that experienced CIA officials are not convinced that Chuyen was a double agent under Communist control.

One official labeled him "an intelligence hack who was selling himself all over the place" to various Vietnamese of unknown loyalties.

Another said Chuyen at least once disclosed details of secret missions to an unidentified South Vietnamese official—in exchange for a pass to visit his family in Saigon.

Yet a third was dubious if Chuyen's lie detector and truth serum tests, his purported peddling activities and secret disclosures established the Vietnamese beyond all doubt as a double agent.

The CIA sources seem to have no doubts, however, that Chuyen's work as an intelligence operative should have been ended.

Several Options

At any rate, Col. Enking reportedly told the B-57 officer at the Saigon meeting that the B-57 group had several options for getting rid of Chuyen, including handing him over to the South Vietnamese.

The B-57 officers are known to have considered and rejected this course on several grounds: that the South Vietnamese might extract confessions by torture from Chuyen about B-57 operations unknown to the South Vietnamese, or that the latter might, as one source put it, "let the man walk in the front door and out the back" with his knowledge of B-57 missions, procedures and personnel intact.

Another Option

Enking also reportedly told the B-57 officer at the Saigon meeting that there was still another option for disposing of the double agent—killing him. Death

is one of the hazards of double agent faces and it has been the fate of not a few spies who have switched sides.

But according to a number of sources, including the CIA, Enking and other CIA officials in Vietnam emphasized several times to the B-57 officers that killing Chuyen was impermissible.

Some sources suspect that the B-57 detachment took these warnings only as formalities.

Highly uneasy now about the Chuyen affair, the CIA, presumably through its Nha Trang agent, is said to have asked the B-57 officers on June 20 what had happened to the Vietnamese—and to have been told again he was on a secret mission.

On that very day, according to Sgt. Smith's account, Chuyen was slain. It is not clear if he was dead when the CIA posed the question about him.

On June 21, still unaware of the killing, the ranking CIA official in Saigon sent an urgent message to the CIA agent at Nha Trang for relay to the B-57 group. The message was a reply to the Nha Trang agent's earlier query if Chuyen might be employed in some fashion by the CIA. The message said, in part:

"Return agent to duty. If unable to do so, must inform Abrams and (American Ambassador Ellsworth) Bunker. Has highest moral and flap potential." The balance of the message contained explicit injunctions to the B-57 group against killing Chuyen.

One-Way Radio

(The "return to duty" message seems to conflict with the later CIA assessment that Chuyen should have been detached from intelligence work. When the message was sent, however, the CIA did not necessarily want him to resume his intelligence assignments. It wanted him bodily on the scene—at Nha Trang, Saigon or some other post—until his case could be settled.)

The B-57 officers reportedly replied again that

secret mission and could not be recalled. He was equipped with a one-way radio that could only transmit, the officers said.

This was yet another detail in the cover story to explain Chuyen's disappearance, an elaborate charade, which also involved a Green Beret American soldier of Japanese descent.

He reportedly was equipped with Chuyen's identity card and flown to Tan Son Nhut airbase near Saigon, where he could be seen publicly. From Tan Son Nhut, so the cover story went, the bogus Chuyen left on the secret mission.

Although suspecting angrily that the B-57 assertions were lies, the CIA had no hard indication yet that Chuyen had been slain. That came June 30 in Sgt. Smith's report of Chuyen's killing and his request for "asylum."

Smith's tale touched off an Army Criminal Investigation Division probe, in which the B-57 officers were interrogated intensively. The probe also featured an unsuccessful three-ship Navy search of the Nha Trang coastal waters—in which divers and sound equipment were used—for Chuyen's body.

In the first day of July Col. Rheault was questioned at least once about the June 20 incident either by Gen. Abrams or one of his staff officers.

In his interview with Gen. Abrams or his staff officer, however, Col. Rheault reportedly repeated the cover story—that the suspect had been sent on a double mission.

In other words, after Chuyen had been slain—hardly without his knowledge—Col. Rheault at least implied there had been no killing.

While Rheault stuck with the cover story, at least three of the B-57 officers did not. According to Pentagon sources, they acknowledged to Army interrogators that a killing indeed had occurred.

Incensed about Col. Rheault's statement—which conflicted with Sgt.

Smith's report and the B-57 officers' acknowledgment

of a slaying, Gen. Abrams is said to have exploded in fury. It is clear someone was lying to him.

"Clean the bastards out," he is said to have roared, referring to the B-57 detachment.

"Abe didn't count to 10,"

a White House source said, implying the general reacted without pondering the affair and its implications.

In essence, the White House source was suggesting, Abrams could have handled the incident more tidily—and still served justice properly on anyone guilty—if he had kept his temper.

Without announcing its moves, Abrams' command rounded up and confined the B-57 men.

On July 12 the first, CWO Edward M. Boyle of Baltimore, was placed in the Army's LBJ (for Long Binh Jail) stockade at Long Binh, outside Saigon.

In succession, Col. Rheault and the B-57 officers were jailed. The others were Maj. David E. Crew, Baltimore, and Thomas Middleton, Jefferson, S.C.; Capt. Robert F. Marasco, Bloomfield, N.J.; Leland J. Brumley, Duncan, Okla., and Budge E. Williams, Athens, Ga. Sgt. Smith was put in confinement July 20.

Their confinement was severe. With the exception of Col. Rheault—who was held in a house trailer—the others were clapped into maximum security, 5-by-7-foot cells.

On July 20—and still without public notice—the Army ordered a fuller and more formal investigation of the alleged death at Nha Trang June 20 of a then-unnamed Vietnamese national.

Charges Filed

On July 24 Col. Rheault, the B-57 officers and Sgt. Smith were accused of premeditated murder and conspiracy to commit murder. The charges were sworn to by Col. Ed Hendren, an Army legal officer in Abrams' command. Military lawyers were named to defend the accused.

According to the charge specifications, which were

made public until Sept. 27, Capt. Brumley was alleged to have given Chuyen an injection of morphine to knock him out and then, together with CWO Boyle, to have carried the Vietnamese to a boat Brumley had obtained earlier.

Capt. Marasco obtained a heavy chain "to be used in disposing of" Chuyen and then shot him with a pistol, the charges alleged.

Sources here said the pistol was a .22-caliber weapon equipped with a silencer, which Marasco obtained from the B-57 detachment's supply officer by signing a chit for it. According to one unconfirmed report Marasco's pistol jammed the first time he tried to fire at Chuyen, but fired on the second try. Chuyen's body then was weighted and dumped into the sea.

Nothing Said

From its inception in June and throughout July the Army said nothing publicly about the case.

And conceivably it might have been kept under wraps for the time being, if only the Army had been involved in handling it. The details of some dramatic-to-shocking cases involving military justice have become known only long after their settlement.

Shortly after Col. Rheault and the others had been jailed, however, the case entered the public domain.

Maj. Middleton wrote a civilian friend, George Gregory, an attorney in Cheraw, S.C., asking him to come to South Vietnam to represent him. Capt. Marasco wrote his wife on July 24, asking her to appeal to his parents to request Rep. Peter Rodino (D-N.J.) to intervene.

On receiving Middleton's letter, Gregory set out for Saigon via Washington. He also called a New York newspaper's attention to the case and its Saigon office began asking questions there. Rep. Rodino began making inquiries at the Pentagon.

Stopping at the Pentagon, Gregory asked about the case. The Army judge advocate general told him, that he

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knew nothing about it. Gregory was skeptical.

Army Speaks

The assertion seemed questionable in view of the fact that Col. Rheault and the other B-57 men had been confined. The Army does not ordinarily confine officers, especially a colonel, without advising its topmost officials.

Shortly before Gregory arrived in Saigon the Abrams command, under persistent prodding by reporters, made its first public disclosure about the case.

On Aug. 6 the Army disclosed that Col. Rheault and his comrades were being held and investigated on allegations of premeditated murder and conspiracy to commit murder.

The announcement touched off wide and sometimes-wild speculation around the world and especially in the United States. Leaks flourished, with unidentified sources spouting vivid stories about spying, hostility between the regular Army and the Green Berets, varying theories about the case.

With the arrival of Gregory in Saigon on Aug. 8, the case flared even more spectacularly into public view.

Makes Headlines

After talking with Maj. Middleton in the chapel at the Long Binh stockade, Gregory held a series of news conferences in Saigon at which he thundered off a volley of headline-making statements:

—Accusing the Army of withholding information from him about the case.

—Linking the CIA into it, by implying that the agency ordered Chuyen's killing.

—Suggesting a congressional investigation of the affair.

—Declaring the Army had "no case" against the confined men and protesting mightily about the conditions under which they were being detained.

The Army thereupon released the men from their cramped cells and put them in more comfortable quarters. Col.

Rheault and the B-57 officers are installed in individual rooms with showers, air conditioners and beer, and St. Smith was lodged in a barracks.

CIA Protests

Smarting under Gregory's allegations, CIA officials here protested vigorously to Congressional and other questioners that their agency had not ordered Chuyen slain. They insisted they had no command authority over the Army men in the B-57 unit and denied strenuously that the CIA was in the murder business.

Privately, some CIA officials were furious, feeling the Army was trying to "hang" the case on their organization. The CIA is said to have solicited from Abrams or Secretary of the Army Stanley R. Resor a statement absolving it of any blame in the case and some CIA officials reportedly were outraged when that request went unheeded.

CIA officials also denied vehemently they ever had suggested—as some Saigon reports had it—that Chuyen be "terminated with extreme prejudice," reportedly a euphemism for killing him.

Some CIA sources attribute that morbid phrase to Gregory.

Don't Use It

"We don't use such a term, we never heard of it," one intelligence man said.

At this point, some sources have said—with reporters, congressmen and several attorneys actively digging into the case and with the CIA-Army antagonisms showing—the Army should have slipped out of the case, perhaps by breaking up the B-57 detachment and dealing later with its members.

One attorney said this was the advice that should have been given Abrams by his military lawyers and staff aides.

But two factors apparently intervened, the attorney speculated.

Still Furious

First, he conjectured, Abrams' aides probably

were timorous before their four-star commander reported still furious about Col. Rheault's alleged misstatements about Chuyen — and refrained from suggesting he drop the case.

Second, the attorney went on, Abrams' military lawyers had offered immunity to Sgt. Smith and CWO Boyle—they also offered immunity to Maj. Middleton, who refused it—thinking they might testify against the others and thus convict them.

Meanwhile, New York attorney Henry B. Rothblatt, a criminal law practitioner and authority (he has written five books on the subject) arrived in Saigon as counsel for four of the six accused officers in the pretrial investigation.

In the words of one source with access to the voluminous, secret transcript of the investigation, Rothblatt "tore up the case."

When the Army investigators who interrogated the officers admitted they had asked them to take lie detector tests, Rothblatt elicited the investigators' acknowledgement that they had not asked the CIA men involved in the case to undergo such tests.

Rothblatt thereupon insisted the investigators' case was incomplete. Further, he accused the CIA of lying about "their participation in this case."

He also insisted the accused men could not have a fair trial because of "command influence" — meaning Abrams' involvement in the case.

To most of the arguments raised by Abrams' lawyers, Rothblatt replied with motions for dismissal of the case addressed over Abrams' head to President Nixon as commander-in-chief of the armed forces. Rothblatt thoughtfully supplied the gist of his motions to American reporters in Saigon, who promptly cabled them

home thus bolstering the story.

Rothblatt insisted the Army had no case against the accused men and said he expected it would be dropped. One major flaw in the Army case, he contended, was the lack of evidence "that a victim existed"—that there was no corpus delicti.

Meanwhile, Rep. Rodino and other congressmen were disputing Secretary Resor's contentions that the case was being handled properly. They accused the secretary and other Army officials of holding back information from them. The congressmen also were letting the White House know about their displeasure.

The congressmen had other qualms about the issue. Some suspected a trial would bring further discredit on the nation's already harrassed military establishment. Some reasoned that "command influence" precluded a fair trial. Some believed a trial involving intelligence officers and CIA agents would expose too many national secrets.

In informing the White House of their unrest about the case, no congressman was more emphatic than Rep. L. Mendel Rivers (D-S.C.), chairman of the powerful House Armed Services Committee and a longtime devoted friend of the Army.

When Resor turned down Rivers' proposal to drop the Green Beret case, Rivers asked to see Mr. Nixon. The President sent Bryce N. Harlow, his congressional aide, to see Rivers.

Rivers warned Harlow that if the B-57 officers were tried he would summon some of them before his committee to air their side of the incident.

Forge Ahead

Either unperturbed, unaware or unadvised about the storm mounting over the case, the Army and Abrams forged ahead.

Resor said it would be "unwise and unfair" to

from Abrams' jurisdiction. Approved For Release 2005/11/23 : CIA-RDP80R01284A001800130050-9
as some congressmen were demanding.

On Sept. 18, after the pretrial investigation had been concluded, Abrams' command announced that Rheault and five of the B-57 officers would be court-martialed on charges of murder and conspiracy to commit murder, with the trial to begin in about three weeks.

The command announced that no charges were being brought at that time against CWO Boyle and Sgt. Smith—who had been offered immunity—pending the outcome of the trial against the other six.

The cases against the six, the command said, were "not capital"—meaning they could not be sentenced death if convicted but could be given life imprisonment.

Then, on Sept. 27, Abrams' command, over the objections of the defense attorneys, detailed some of the specifics of the charges against the six officers. They included the allegation that Capt. Marasco shot Chuyen and used a heavy chain "in disposing" of him.

By now, however, the case was beginning to shred.

On Sept. 26 CWO Boyle punctured any Abrams' command hope that he might testify against the six officers. He publicly rejected immunity.

Pressures Mount

And by this time, with the court-martial only some two weeks from its start, congressional and other pressures on the White House and Army to drop the case were mounting tremendously.

Two more famed criminal lawyers, Edward Bennett Williams of Washington, D.C., and F. Lee Bailey of Boston, had entered the case. The latter let it be known he intended to "rummage" in the case, apparently meaning he would delve into its espionage aspects, including those conducted by the CIA.

Bailey's hint alarmed the CIA.

suggested to a friend close to the CIA that he intended to try to make that agency the scapegoat in the case, a suggestion swiftly conveyed to Richard M. Helms, CIA director.

Review Case

At a lengthy session at CIA headquarters in near-by McLean, Va., apparently sometime during the Sept. 26-28 weekend, Helms and at least five of his top deputies reviewed the case again.

Earlier some CIA officials favored courts-martial for Rheault and the B-57 officers on grounds they could be proven to have lied about Chuyen's death and on grounds the CIA would be exonerated.

But Helms and his deputies reached the opposite conclusion, reportedly on these considerations:

From the intelligence standpoint, a trial posed many dangers—especially if it elicited public testimony from CIA agents on their organization's operations and personnel in South Vietnam and adjoining countries.

From a national security viewpoint, a trial also was dangerous if it elicited public testimony from official American witnesses on such international matters as authorized American espionage missions in other countries.

Helms decided to recommend to Mr. Nixon that CIA operatives had to be disbarred from testifying at the courts-martial on grounds that national security interests would be jeopardized.

The President approved Helms' recommendation. In effect, that meant the courts-martial could not be held because without CIA testimony there could be no clarification of some of the B-57 officers' reported contention that the CIA had suggested Chuyen's murder.

(White House credibility was strained again in the case. Press Secretary Ro-

sisted the President had not involved himself with the case, then later acknowledged that Mr. Nixon indeed had done so).

On Sept. 29, just 11 days after he had stated publicly his belief that the case should be brought to trial, Resor announced it was being dropped.

He dismissed the charges against the six officers on grounds they could not receive a fair trial if CIA witnesses were not permitted to testify.

Resor thus overruled Abrams, an unusual move because decisions involving military justice ordinarily are left up to the commanders in whose areas they arise.

Won't Be Condoned

But Resor emphasized that the acts with which the officers had been charged were "a fundamental violation of Army regulations, orders and principles." He said the Army could not and would not condone "unlawful acts of the kind alleged—but unproven — against the men.

The following day, on Sept. 30, excerpts from Capt. Marasco's July 24 letter to his wife were published in the Washington Post.

He had written that "one of my people"—apparently referring to Chuyen—had been found to be a double agent. Marasco wrote that he and the other B-57 officers had gone "through all the channels to include the commander and civilian intelligence agencies" in Vietnam in trying to decide what to do about the agent.

'Powers That Be'

"There were numerous reasons why we could not let him go," Marasco wrote, "so the powers that be decided to do away with him.

"Being the people involved, it was up to us to come up with a plan and execute it," he wrote, adding:

with it, thinking that the proper coordination had been made and that this was a military operation."

At Long Binh, Marasco, Rheault and the others greeted Resor's announcement initially with a thankful beer party. But none of them was happy. Rothblatt said later that the majority of the accused officers were "very dissatisfied" with Resor's disposition of the case.

Separate Planes

On Oct. 1 Rheault and the other B-57 men—all except Sgt. Smith—arrived in a group at Travis Air Force Base, Calif., from Saigon. Smith arrived there later the same day on another plane. He did not come with the others, an Army spokesman explained, because his processing in Saigon was not completed in time to leave with them.

Rheault was tight-lipped.

"Do you deny there was a killing," a reporter asked him at a Travis news conference.

"That is correct," he replied.

Asked about the alleged victim, Rheault said, "There is no conclusive evidence that the individual ever was killed."

Denied by Smith

On his arrival a few hours later, Smith denied any killing had occurred.

"There was no murder," he told reporters.

On his arrival at Newark, N.J., en route to his home nearby, Marasco was asked if he had shot Chuyen, as alleged earlier by the Army.

"We've been through that," he replied. "It's ridiculous."

Shortly after their arrival home, the Army posted all the B-57 men to new assignments — all except Col. Rheault.

Leaves Army

On Oct. 31 the Pentagon announced that Rheault, after considering a number of assignments offered him, had decided to retire from the Army.

The Pentagon did not say what posts Rheault had been offered. It said

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his swiftly processed request for retirement — it was approved in two days instead of the usual weeks devoted to such requests — was "a personal decision on his part." Rheault's retirement, after 23 years in uniform, became effective on his 44th birthday — Oct. 31.

But he left a legacy.

Marasco did not take up his assignment to the Army's 24th Infantry Division at Ft. Riley, Kan. He asked for and received on Oct. 14 an honorable release from military service.

About a week later, on Oct. 22, Marasco, married Oct. 27, 1963, was granted a divorce in Juarez from his wife, Denise, on grounds of incompatibility.

Hurt in Crash

Then, three days later, Marasco was critically injured in an accident in New Jersey in which the driver of a car that struck Marasco's was killed.

Plagued by telephone calls, at least two of the B-57 officers sought privacy behind unlisted numbers.

On Oct. 3 attorneys Bailey and Rothblatt pleaded that their clients be exonerated fully. Rothblatt suggested a congressional investigation "to remove the implication of guilt" from the men involved.

The following day in Saigon, in an ironic postscript to the case, Chuyen's widow, Phan Kim Lien, was given a "missing person's gratuity" equivalent to \$6,472 by the United States government. She had asked for \$38,440, an amount equal to 20 years' pay for her husband.

The lesser sum, an American spokesman said, had been "mutually agreed upon" by Mrs. Chuyen and representatives of the United States Foreign Claims Commission.

Asked to explain why the gratuity was paid, the spokesman said:

"We have no evidence that Chuyen is dead. He is in the missing category. The man has not been legally proved dead in a court of law. Therefore it can only be presumed he is missing."